

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GLENN COCHRAN, :
Plaintiff, : Case No. 3:25-cv-124
v. : JUDGE WALTER H. RICE
STATE OF OHIO, et al., :
Defendants. :

DECISION AND ENTRY OVERRULING AS MOOT THE MOTION TO
DISMISS FILED BY DEFENDANT STATE OF OHIO (DOC. #8);
OVERRULING AS MOOT THE MOTION TO DISMISS FILED BY
DEFENDANT MONTGOMERY COUNTY TREASURER (DOC. #6);
OVERRULING AS MOOT MOTION TO STRIKE PLAINTIFF'S
RESPONSE IN OPPOSITION (DOC. #14); OVERRULING MOTION TO
STRIKE AMENDED COMPLAINT (DOC. #15)

This matter comes before the Court on several motions currently pending.

On May 14, 2025, Defendant Montgomery County Treasurer ("the County") filed a Motion to Dismiss Plaintiff Glenn Cochran's ("Plaintiff") Complaint. Doc. #6. Defendant State of Ohio ("the State") filed its own Motion to Dismiss on May 15, 2025. Doc. #8. On June 6, Plaintiff filed an Amended Complaint. Doc. #11. On June 9, Plaintiff filed responses in opposition to both Defendants' motions to dismiss. Docs. #12, 13. Shortly thereafter, the County filed two motions seeking to strike

Plaintiff's Amended Complaint, Doc. #15, and Plaintiff's Response in Opposition to the County's Motion to Dismiss. Doc. #14.

Federal Rule of Civil Procedure Rule 15 governs amended pleadings in federal cases and permits one amendment to pleadings as a matter of course, so long as the amendment is timely made. Fed. R. Civ. P. 15(a)(1). Under the rule, the amendment is timely so long as it is made within 21 days after a Rule 12(b) motion is filed. *Id.* Additionally, under Rule 6(d), three additional days are permitted when the party is served by mail. Fed. R. Civ. P. 6(d).

Here, the County's Motion to Dismiss was filed May 14, 2025. Doc. #6. The amendment deadline therefore was June 7, 2025, including the 21 days permitted by Rule 15 and the 3 days permitted by Rule 6. The Court concludes that, contrary to the County's assertion in its Motion to Strike, Plaintiff's Amended Complaint was timely filed.¹

An amended complaint supersedes the original complaint and renders the latter a legal nullity. *See B&H Med., LLC v. ABP Admin., Ind.*, 526 F.3d 257, 268 n.8 (6th Cir. 2008). Because Defendants' prior motions were filed in response to a now-superseded Complaint, they are OVERRULED AS MOOT.

¹ All further amendments will be stricken unless they are filed either with leave of Court or written consent of all parties. Fed. R. Civ. P. 15(a)(2).

In conclusion, Defendant Montgomery County Treasurer's Motion to Strike Plaintiff's Amended Complaint (Doc. #15) is OVERRULED. Defendant Montgomery County Treasurer's Motion to Dismiss for Failure to State a Claim (Doc. #6) and Motion to Strike Plaintiff's Response in Opposition (Doc. #14) are OVERRULED AS MOOT. Defendant State of Ohio's Motion to Dismiss (Doc. #8) is OVERRULED AS MOOT.

Date: June 16, 2025

Walter H. Rice

WALTER H. RICE
UNITED STATES DISTRICT JUDGE